

REMARKS

Applicant wishes to thank the Examiner for the consideration given this case to date and the courtesy of the telephone interview conducted on October 9, 2003. As requested, Applicant will only address the rejections under 35 U.S.C. § 112, first and second paragraphs, as the rejection under 35 U.S.C. § 103(a) has been withdrawn. Currently, claims 1-8, and 13-15 are pending.

THE EXAMINER'S ACTION

In the final Office Action dated September 9, 2003, the Examiner:

rejected claims 1 and 13 under 35 U.S.C. § 112, first paragraph as containing subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, was in possession of the claimed invention;

rejected claims 1 and 13 under 35 U.S.C. § 112, second paragraph as being indefinite; and

rejected claims 1 and 13 under 35 U.S.C. § 103 as being obvious in light of Qui in view of Drumheller.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Office asserts that the "combinations thereof" as recited in claim 1 and 13 is not defined in the specification. Applicant respectfully submits that the claims as filed in the original specification are part of the disclosure, thus Applicant has described the subject matter in such a way to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, was in possession of the claimed invention. MPEP § 2163.06.

In addition, Applicant has provided examples of surfactants exhibiting a combination of linkages. Specifically, in Examples 9 and 10, the peptide and hexanal are attached by secondary amine linkages and the dextran lactone or maltolactone are attached by amide linkages (see Spec. page 21, lines 20-30, page 22, lines 1-4). Moreover, Applicant discloses that the polymeric backbone contains a combination of functional side groups, including OH, COOH and NH₂,

which inherently gives rise to amine and amide linkages (see Spec. page 4, lines 25-20). Given the teaching of the present application, one of ordinary skill in the art could readily identify hydrophilic and hydrophobic side chains attached to a polymeric backbone by amide, amine and ester linkages, as well as a combination of such linkages. As such, Applicant has adequately described hydrophobic and hydrophilic side chains linked to a polymeric backbone by combinations of amide, amine or ester linkages as contemplated in the amended claims, and therefore the rejection should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

In light of the foregoing, it is respectfully submitted that the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention, and therefore this rejection should likewise be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The Office withdrew the rejection of claims 1 and 13 under 35 U.S.C. § 103(a) in the Examiner interview conducted October 9, 2003.

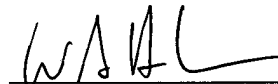
CONCLUSION

For the foregoing reasons, Applicant respectfully asserts that the case is now in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-2051, referencing Attorney Docket No. 26526-13.

Respectfully submitted,

Dated: 14 OCT 03

By: _____



W. Scott Harders

Registration No. 42,629

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF, LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
(216) 363-4443